

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**JOAN FAULK OWENS and
KAREN LYNN HUBBARD,**

Plaintiffs,

V.

STATE OF ALABAMA DEPT. OF
MENTAL HEALTH AND MENTAL
RETARDATION, *et al.*,

Defendants.

2:07-cv-650

**DEFENDANTS' MOTION TO SUPPLEMENT EXHIBITS
TO BRIEF ON MOTION FOR SUMMARY JUDGMENT**

COME NOW the Defendants, by and through counsel, and move to be allowed to supplement exhibits to the Brief filed herewith on the Defendants' Motion for Summary Judgment. The basis for this motion is as follows:

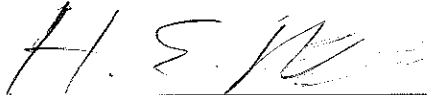
1. Two depositions of Defendants were taken the week of June 23, 2008, and neither of those deposition transcripts have been returned by the Court Reporter. One of the depositions was taken on June 24. This was the deposition of Marilyn Benson. The other deposition was taken on June 26. This was the deposition of Commissioner John Houston.
2. These Defendants expect that the transcription of these depositions will not take an extraordinarily long period of time. The Court Reporter is skillful and has been quite timely in providing transcripts. Undersigned counsel will be talking to the Court Reporter as soon as possible with regard to her time table for transcribing these

depositions and will request a speedy transcription and will pay an additional fee for a faster transcription than normal.

3. Additionally, the affidavit of Becky Burell does not contain a statement that the affidavit is based upon her personal knowledge. This was an oversight by the undersigned. The undersigned has tried to contact Ms. Burell for the purpose of having the affidavit amended, however, Ms. Burell is out of town and cannot be reached at this time. The undersigned expects her to return from her vacation the week of July 7. The undersigned does not expect any problem whatsoever in amending the affidavit to add this sentence.

4. The total number of additional exhibit pages will be small. The absence of these pages at this time should not prejudice the Plaintiffs in view of the fact that Mr. Mozingo, Plaintiffs' counsel, was present and took these depositions himself.

WHEREFORE, the undersigned respectfully requests that the Court allow supplementation of the exhibits to the Brief as set forth above.



H.E. NIX, JR. (NIX007)
BRANDY F. PRICE (PRI079)
Counsel for Defendants


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CERTIFICATE OF SERVICE

I hereby certify that an exact copy of the foregoing instrument has been served (a) through the Court's e-filing system; (b) by placing a copy of same in the United States Mail, postage prepaid and properly addressed; and/or (c) by e-mail to

J. Flynn Mozingo <i>Melton, Espy & Williams, P.C.</i> P. O. Drawer 5130 Montgomery, AL 36103-5130	Courtney W. Tarver Deputy Atty. General and Gen. Counsel Bureau of Legal Services Dept. of Mental Health and Mental Retardation RSA Union Building 100 N. Union Street Montgomery, AL 36130-1410
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on this the 27th day of June, 2008.



OF COUNSEL